

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JAMES J. STEGMAIER,

Plaintiff,

v.

CITY OF RENO, ex rel., its RENO POLICE  
DEPARTMENT, a government entity, et  
al.,

Defendants.

Case No. 3:13-cv-00461-MMD-VPC

ORDER

(Defs' Motion to for Reconsideration  
– dkt. no. 32)


Before the Court is Defendants' Motion for Reconsideration. (Dkt. no. 32.) In the Order entered on September 18, 2014, the Court dismissed several claims with leave to amend. (Dkt. no. 31.) Defendants now request "clarification for the implications of the Court's Order." (Dkt. no. 32 at 3.) Defendants essentially argue that they will be prejudiced since Plaintiff will be permitted to re-open discovery and Plaintiff's filing of an amended complaint will affect the Scheduling Order. Defendants' arguments are unconvincing and do not warrant reconsideration.

The Court's Order does not provide for automatic re-opening of discovery. Assuming Plaintiff files an amended complaint, the party who believes additional discovery is needed must seek leave of Court to re-open discovery. At this point it is not clear that additional discovery is needed. The Court is not permitting new claims to be filed, but merely allowing amendment of claims asserted in the original complaint. Presumably the parties would have conducted discovery on the claims in the original claim and no additional discovery will be needed.

1 As for the Scheduling Order, Defendants are correct that a new dispositive motion  
2 deadline will need to be set after Plaintiff files an amended complaint, assuming he does  
3 so. In that event, arguments raised in Defendants' pending motion for summary  
4 judgment relating to the amended claims may be rendered moot. However, these  
5 scheduling issues do not serve as a basis for reconsideration of the merits of the Court's  
6 Order. The Court would expect counsel to confer and propose a new dispositive motion  
7 deadline or request a status conference with the Magistrate Judge to address any other  
8 scheduling issues.

9 It is ordered that Defendants' Motion for Reconsideration (dkt. no. 32) is denied.

10 DATED THIS 22<sup>nd</sup> day of September 2014.

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13 MIRANDA M. DU  
14 UNITED STATES DISTRICT JUDGE  
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